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Attorneys for Defendants COUNTY OF SAN  
MATEO and CHRISTINA CORPUS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

A.B.O. Comix, Kenneth Roberts, Zachary  
Greenberg, Ruben Gonzalez-Magallanes,  
Domingo Aguilar, Kevin Prasad, Malti Prasad,  
and Wumi Oladipo,

Plaintiffs,

v.

County of San Mateo and Christina Corpus, in  
her official capacity as Sheriff of San Mateo  
County,

Defendants.

Case No. 3:23-cv-01865-JSC

**DECLARATION OF CHAD E. DEVEAUX  
IN SUPPORT OF DEFENDANTS'  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO REMAND**

Date: June 29, 2023  
Time: 10:00 A.M.  
Courtroom: 8  
Judge: Hon. Jacqueline Scott Corley  
Trial Date: TBD

1 I, Chad E. DeVeaux, declare as follows:

2 1. I am a principal with Bartko Zankel Bunzel & Miller (“Bartko”), attorneys of  
3 record for Defendants the County of San Mateo (the “County”) and Christina Corpus (collectively  
4 “Defendants”), in *A.B.O. Comix, et al. v. Cnty. of San Mateo*, Case No. 23-CIV-01075 (“*A.B.O.*  
5 *Comix*”). I have personal knowledge of the facts set forth herein, and if called as a witness, I could  
6 and would competently testify thereto. I make this declaration in support of Defendants’  
7 Opposition to Plaintiffs’ Motion to Remand.

8 2. On May 25, 2023, I emailed Plaintiffs’ counsel, Stephanie C. Krent, and offered  
9 that Defendants would “not to oppose remand if the plaintiffs voluntarily dismiss all their federal  
10 claims with prejudice.”

11 3. On May 26, 2023, Ms. Krent replied: “We’ll get back to you early next week on  
12 this. Enjoy the holiday weekend!”

13 4. On May 30, 2023 at 12:49 PM PDT, Ms. Krent replied again, stating: “I take  
14 Defendants’ concern about dismissal to be that we might immediately file a new lawsuit raising  
15 our federal claims and then litigate the two suits in parallel. I can assure you that we do not intend  
16 to do so, and we have no plans of litigating our clients’ federal claims at this point. We cannot,  
17 however, agree to dismiss the claims with prejudice.”

18 5. On May 30, 2023, at 4:48 PM PDT, I replied to Ms. Krent’s email, stating: “I  
19 appreciate your email. If the plaintiffs do not intend to refile the federal claims either in federal or  
20 state court, why are they unwilling to dismiss them with prejudice?”

21 6. On May 30, 2023 at 4:54 PM PDT, Ms. Krent replied to my email, stating: “We see  
22 no reason to voluntarily dismiss the federal claims with prejudice, which, as you know, is not the  
23 typical course when the case is in such early stages and there has been no decision on the merits.  
24 We don’t think there is any benefit to doing so here, given that we’ve already dropped the claims  
25 and have told you that we have no intention of refiling them.”

26 7. A true and correct copy of my May 25, 2023 to May 30, 2023 email  
27 communications with Ms. Krent is attached hereto as **Exhibit 1**.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct to the best of my knowledge.

3 Executed on this 7th day of June, 2023, at San Francisco, California.

4 

5  
6 Chad E. DeVeaux

# EXHIBIT 1

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**From:** Stephanie C Krent <stephanie.krent@knightcolumbia.org>  
**Sent:** Tuesday, May 30, 2023 4:54 PM  
**To:** Chad E. DeVeaux; cara@eff.org; pgonzalez@socialjusticelaw.org  
**Cc:** Patrick M. Ryan; Chris W. Gribble; Taylor Yamahata  
**Subject:** Re: A.B.O. Comix, et al. v. Cnty. of San Mateo, et al.

Chad,

We see no reason to voluntarily dismiss the federal claims with prejudice, which, as you know, is not the typical course when the case is in such early stages and there has been no decision on the merits. We don't think there is any benefit to doing so here, given that we've already dropped the claims and have told you that we have no intention of refiling them.

Stephanie

---

**From:** Chad E. DeVeaux <cdeveaux@BZBM.com>  
**Date:** Tuesday, May 30, 2023 at 4:48 PM  
**To:** Stephanie C Krent <stephanie.krent@knightcolumbia.org>, cara@eff.org <cara@eff.org>, pgonzalez@socialjusticelaw.org <pgonzalez@socialjusticelaw.org>  
**Cc:** Patrick M. Ryan <pryan@BZBM.com>, Chris W. Gribble <cgribble@BZBM.com>, Taylor Yamahata <tyamahata@BZBM.com>  
**Subject:** RE: A.B.O. Comix, et al. v. Cnty. of San Mateo, et al.

Stephanie,

I appreciate your email. If the plaintiffs do not intend to refile the federal claims either in federal or state court, why are they unwilling to dismiss them with prejudice?

Best, Chad

---

**From:** Stephanie C Krent <stephanie.krent@knightcolumbia.org>  
**Sent:** Tuesday, May 30, 2023 12:49 PM  
**To:** Chad E. DeVeaux <cdeveaux@BZBM.com>; cara@eff.org; pgonzalez@socialjusticelaw.org  
**Cc:** Patrick M. Ryan <pryan@BZBM.com>; Chris W. Gribble <cgribble@BZBM.com>; Taylor Yamahata <tyamahata@BZBM.com>  
**Subject:** Re: A.B.O. Comix, et al. v. Cnty. of San Mateo, et al.

Chad,

I hope you had a nice weekend, and thanks for reaching out about the remand motion. I take Defendants' concern about dismissal to be that we might immediately file a new lawsuit raising our federal claims and then litigate the two suits in parallel. I can assure you that we do not intend to do so, and we have no plans of litigating our clients' federal claims at this point. We cannot, however, agree to dismiss the claims with prejudice.

Stephanie

---

**From:** Stephanie C Krent <[stephanie.krent@knightcolumbia.org](mailto:stephanie.krent@knightcolumbia.org)>

**Date:** Friday, May 26, 2023 at 3:07 PM

**To:** Chad E. DeVeaux <[cdeveaux@BZBM.com](mailto:cdeveaux@BZBM.com)>, [cara@eff.org](mailto:cara@eff.org) <[cara@eff.org](mailto:cara@eff.org)>, [pgonzalez@socialjusticelaw.org](mailto:pgonzalez@socialjusticelaw.org) <[pgonzalez@socialjusticelaw.org](mailto:pgonzalez@socialjusticelaw.org)>

**Cc:** Patrick M. Ryan <[pryan@BZBM.com](mailto:pryan@BZBM.com)>, Chris W. Gribble <[cgribble@BZBM.com](mailto:cgribble@BZBM.com)>, Taylor Yamahata <[tyamahata@BZBM.com](mailto:tyamahata@BZBM.com)>

**Subject:** Re: A.B.O. Comix, et al. v. Cnty. of San Mateo, et al.

Hi Chad,

We'll get back to you early next week on this. Enjoy the holiday weekend!

Stephanie

---

**From:** Chad E. DeVeaux <[cdeveaux@BZBM.com](mailto:cdeveaux@BZBM.com)>

**Sent:** Thursday, May 25, 2023 4:07 PM

**To:** Stephanie C Krent <[stephanie.krent@knightcolumbia.org](mailto:stephanie.krent@knightcolumbia.org)>; [cara@eff.org](mailto:cara@eff.org) <[cara@eff.org](mailto:cara@eff.org)>; [pgonzalez@socialjusticelaw.org](mailto:pgonzalez@socialjusticelaw.org) <[pgonzalez@socialjusticelaw.org](mailto:pgonzalez@socialjusticelaw.org)>

**Cc:** Patrick M. Ryan <[pryan@BZBM.com](mailto:pryan@BZBM.com)>; Chris W. Gribble <[cgribble@BZBM.com](mailto:cgribble@BZBM.com)>; Taylor Yamahata <[tyamahata@BZBM.com](mailto:tyamahata@BZBM.com)>

**Subject:** RE: A.B.O. Comix, et al. v. Cnty. of San Mateo, et al.

Stephanie,

By the time you had reached out to us regarding plaintiffs' intent to file an amended complaint, we had exhausted considerable resources preparing a motion to dismiss the federal and the state claims. And we believe that we have the right to bring a Counterclaim for declaratory relief as to whether federal and state law has been violated related to the conduct at issue in both the original and amended complaint. Moreover, subject-matter jurisdiction is judged at the time of removal and can't be swept away by amendment. Nevertheless, we are willing not to oppose remand if the plaintiffs voluntarily dismiss all their federal claims with prejudice. Let us know whether plaintiffs are amenable to this offer.

Best, Chad

**Chad DeVeaux**

**Principal**

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